

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

FILED

JUL 29 1999

Minute Entry

KEVIN E. O'BRIEN, CLERK
UNITED STATES
BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

Hearing Information:

Debtor: BCE WEST, L.P.
Case Number: 2-98-12547-ECF-CGC Chapter: 11
Date / Time / Room: THURSDAY, JULY 29, 1999 03:30 PM 10TH FLOOR # 6
Bankruptcy Judge: CHARLES G. CASE II
Courtroom Clerk: VIRGINIA BEEBY
Reporter / ECR: RACHAEL STAPLETON

Matter:

EMERGENCY MOTION FILED BY HMH RESTAURANTS RE: MOTION TO COMPEL IMMEDIATE
ASSUMPTION OR REJECTION OF NONRESIDENTIAL REAL PROPERTY SUBLEASE
R / M #: 0 / 0

Appearances:

ROBERT J. MILLER, ATTORNEY FOR HMH RESTAURANTS
RANDOLPH HAINES, ATTORNEY FOR DEBTOR
WARREN STAPELTON, ATTORNEY FOR CITIZENS BANK & 95 LENDERS

Proceedings:

Mr. Miller reports the parties have reached an agreement and made a decision to reject the sublease at a time between the date of this order and the expiration of the termination date. This was achieved by approaching a solution at several different levels and receiving today a written 30 day extension, but this does not change anything.

Mr. Haines states this was a profitable location however marginal and the debtor has made the business decision to reject the sublease. He has drafted an agreed form of order and places the terms on the record. In order for this to be effective it will be noticed setting an exact date of rejection and lodge with the court Notice of Rejection and Certificate of Service.

Mr. Stapleton states his client has no objection to this resolution.

Mr. Miller notes the statement to him by Don Gaffney as taking no position on the issue.

COURT: BASED UPON THE STATEMENTS PLACED ON THE RECORD, THE ORDER PRESENTED IS SIGNED.